D.B. CIVIL SPECIAL APPEAL (WRIT) NO.1273/2007.
In
S.B. CIVIL WRIT PETITION NO.5988/2007.

Ramdhan and ors.
Vs.
State of Rajasthan and ors.

Date of Order:- October 25, 2007.

HON'BLE THE CHIEF JUSTICE MR.J.M. PANCHAL
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Sudhanshu Joshi for the appellants.

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The instant appeal is directed against the interim-order dated August 10, 2007 passed by the learned Single Judge in SB Civil Writ Petition No.5988/2007 by which, the learned Single Judge has refused to direct the respondents not to dispossess the petitioners from the land bearing Khasra No.17 admeasuring 0.15 hectare situated in village Tatiwala, Tehsil Sanganer, during pendency of the petition. The said land was acquired by the State Government for the purpose of construction of 200 feet wide road in front of Airport.The petitioner has filed SB Civil Writ Petition No.5988/2007 with a prayer to direct the respondents to allot 25% of the developed land of the total acquired land of Khasra No.17 situated

in village Tatiwala, Tehsil Sanganer, according to the policy framed by the State Government. In the petition, the appellants have prayed to direct the respondents not to dispossess them from land Khasra No.17 situated in village Tatiwala during the pendency of the petition. The petition was placed for preliminary hearing before the learned Single Judge on August 10, 2007. After hearing learned counsel for the appellants, the learned Single Judge has issued notices in the petition but refused to grant interim-relief as prayed for which has given rise to the instant appeal.

This court has heard learned counsel for the appellants at length and in great detail. This court has also considered the documents forming part of the petition.

The fact that appellants have not challenged the acquisition proceedings, is not in dispute. The land in question has been acquired for the purpose of construction of 200 feet wide road in front of the Airport. Such an important project cannot be permitted to be stalled by grant of interim-relief which is claimed by the

appellants in the petition. The grant of interim-relief would have far reaching consequences and, therefore, this court is of the opinion that the learned Single Judge was justified in refusing to grant the interim-relief.

No case is made out by the learned counsel for the appellants to interfere with the order impugned in the appeal and, therefore, the appeal which lacks merit deserves dismissal.

For the foregoing reasons, the appeal fails and is dismissed.

(MOHAMMAD RAFIQ), J. **(J.M. PANCHAL), CJ.**

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D.B. CIVIL MISC.STAY APPLICATION NO.958/2007.
In
D.B. CIVIL SPECIAL APPEAL (WRIT) NO.1273/2007.
In
S.B. CIVIL WRIT PETITION NO.5988/2007.

Ramdhan and ors.
Vs.
State of Rajasthan and ors.

Date of Order:- October 25, 2007.

HON'BLE THE CHIEF JUSTICE MR.J.M. PANCHAL
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Sudhanshu Joshi for the applicants-appellants.

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Since the appeal is dismissed vide order dated October 25 2007, the instant application praying for interim-relief does not survive.

Hence, the same is rejected.

(MOHAMMAD RAFIQ), J. **(J.M. PANCHAL), CJ.**

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